

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

**CELL AND NETWORK SELECTION
LLC,**

Plaintiff,

v.

**METROPCS COMMUNICATIONS, INC.,
*et al.***

Defendants.

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Civil Action No. 6:12-CV-802-LED

JURY TRIAL DEMANDED

**PLAINTIFF CELL AND NETWORK SELECTION, LLC’S
MOTION TO DISMISS WITHOUT PREJUDICE**

Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, Plaintiff Cell and Network Selection, LLC (“CNS”) moves for dismissal without prejudice of its claims asserted in the above styled and numbered cause against Defendant MetroPCS Communications, Inc., MetroPCS Wireless, Inc., MetroPCS Texas, LLC; Huawei Technologies Co., Ltd., Huawei Technologies USA Inc., Huawei Devices USA Inc., FutureWei Technologies, Inc.; and ZTE Corporation, ZTE (USA) Inc. and ZTE Solutions Inc. (collectively, “Defendants”). CNS respectfully files this Motion in order to address claims by Defendants in the case regarding ambiguities in CNS’s standing to bring its claims. While CNS believes that it had proper standing to bring and maintain its claims against Defendants, in order to avoid needless motion practice and expenditure of the resources of the Court, CNS respectfully requests the Court dismiss CNS’s claims without prejudice subject to CNS’ refiling (contemporaneously with this Motion) after taking all reasonable steps to address Defendants’ stated concerns regarding

standing. CNS's Motion is not sought for purposes of delay and will not prejudice Defendants in any way.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Eric M. Albritton", written over a horizontal line.

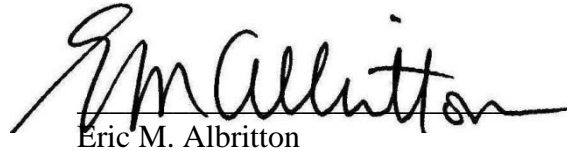
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***Counsel for Cell and Network Selection
LLC***

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Civil Procedure 5(d) and Local Rule CV-5(c), the undersigned certifies that the foregoing document is being filed electronically in compliance with Local Rule CV-5(a). As such, the document is being served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), any other counsel of record will be served with a true and correct copy of the foregoing by email on this 15th day of May 2013.



Eric M. Albritton